

PUNJAB SECURITY OF LAND TENURES ACT, 1953

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28. Exclusion of courts and authorities. Indemnity. Power to make rules. Repeal and savings. Act X of 1953 Till 1) UNJnn SP, CURITY op LAND 229 TENURES ACT, 1953 ITHE PUNJAB SECURITY OF LAND TENURES ACT, '53 Punjab Act No, X of 1953 [Received (he assent of the President on the 15th April, 1953 ; and was first published in the Punjab Government Gazette, Extraordinary of the 15th April, 1953] 1 2 Year No. 3 Short Title 1953 X The Punjab Security of Land Tenures Act, 1953 4 Whether affected by the later Legislation Amended by— Punjab Act LVII of 1953 2 Punjab Act x of 1955 8 Punjab Act No. 46 of 1957' Punjab Act No. 4 of 1959 5 Punjab Act No. 32 of 1959' Punjab Act No. 14 of 1962' Amended by the Punjab Reorganisation (Chandigarh) C Adaptation Of Laws On State and Concurrent Subjects) Order, 1968. An Act to provide for the security of land tenure and other incidental matters. It is hereby enacted as follows 1. (1) This Act may be called the Punjab Security of Land Tenures Act, 1953. Short title, extent and commencement. I For Statement of Objects and Reasons, see Punjab Government Gazette (Extra. Ordinary), 1952, page 1379 ; for proceedings in Assembly, see Punjab Legislative Assembly Debates, 1953. *For Statement of Objects and Reasons, see Punjab Government Gazette (Extra. ordinary), 1953, page 1571 ; for proceedings in the Assembly, see Punjab Legislative Assembly Debates, 1953. iFor Statement Of Objects and Reasons, see Punjab Government Gazette (Extra- Ordinary), 1955, pages 243-44 ; for proceedings in Assembly, see Punjab Legislative Assembly Debates, 1955. 'For

Statement Of Objects and Reasons, see Punjab Government Gazette (Extra- ordinary), 1957, page 1679 ; for proceedings in the Assembly, see Punjab Legislative Assembly Debates, 1957. 'For Statement Of Objects and Reasons, see Punjab Government Gazette (Extra. Ordinary), 1958, pages J 542—44 ; for proceedings in the Assembly, see Punjab Legis. lative Assembly Debates, 1958. OFOr Statement Of Objects and Reasons, see Punjab Government Gazette (Extra. ordinary), 1959, pages 1009-1010; for proceedings in the Assembly, see Punjab Legis- lative Assembly Debates, 1959. 7 For Statement Of Objects and Reasons, see Punjab Government Gazette (Extra• Ordinary), 1962, pages 646-647.

Definitions. [Åct X THE PUNJAB SECURITY OF LAND 230 TENURES ACT, 1953 (2) 11 shall come into force at once. (3) It slvall extend to the whole of the ltUnion Terri. tory of Chandigarh.) ec(4) Save as elsewhere expressly provided in this Act nothing contained therein shall apply to co-operative garden colonies which were registered before the coming into force of this Act.] 2. In this Act, unless the context otherwise requires (1) "Land-owner" means a person defined as such in the Punjab Land Revenue Act, 1887 (Act XVII of 1887)XVII and shall include an "allottee" and "lessee" as defined in clauses (b) and (c), respectively, of section 2 of the East Punjab Displaced Persons (Land Resettlement) Act, 1949 xxxvi (Act XXXVI of 1949), hereinafter referred to as the 1949. "Resettlement Act." Explanation.—In respect of land mort gaged with possession, the mortgagees shall be deemed to be the landowner. (2) "Small landowner" means a landowner whose entire land in the 1[Union Territory of Chandigarh] does not exceed the "permissible area". Explanation.—In computing the area held by any particular landowner, the entire land owned by him jn the Union Territory of Chandigarh), as entered in the record-of-rights, shall be taken into account, and if he is a joint owner only his share be taken into account. "Permissible area" in relation to a landowner or a tenant, means thirty standard acres and where such thirty standard acres on being converted into ordinary acres exceed sixty acres, such sixty acres Provided that— (i) no area under an orchard at the commence- ment of this Act, shall be taken into account in computing the permissible area 1Substituted for lthe wolds "State of Punjab" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) order• •substituted by Punjab Act X1 of 1955. 'Substituted by Punjab Act XI of 1955. of 1953] THE PUNJAB SECURITY OF LAND TENURES ACT, 1953 11 of 50. (ii) for a displaced porson— (a) who has been allotted land in excess of fifty standard acres, (he permissible area shall be fifty standard acres or one hundred ordinary acres, as the case may be, (b) who has been allotted land in excess of thirty standard acres, but less than fifty standard acres, the permissible area shall be equal (o his allotted area, (c) who has been allotted land less than thirty standard acres, the permissible area shall be thirty standard acres, including any .other land or part thereof, if any, that he owns in addition.] 11 Explanation.—For the purposes of determining the permissible area Of dis• placed person, the provisions of proviso (ii) shall not apply to the heirs and succes- sors of the displaced persons to whom land is allotted.] (4) "Reserved area" means the area lawfully reserved under the 2Punjab Tenants (Security of Tenures) Act, 1950 (Act XXII of 1950), as amended by President's Act of 1951, hereinafter referred to as the "1950 Act" or under this Act. (5) "Standard acre" means a measure of area converti- ble into ordinary acres of any class of land according to the prescribed scale with reference to the quantity of yield and quality of soil. 3L(5-a) "Surplus Area" means the area other than the reserved area, and, where, no area has been reserved, the area in excess of the permissible area selected '[under IAdded by Punjab Act NO. 14 of 1962 and shall be deemed to have come into —vide section 1(2) of the Act ibid. f0JCe on the 15th April, 1953, *Repealed by section 28 of this Act. 'New clause (Sa) added by Punjab Act XI of 1955. 'Substituted for the words "as prescribed" by Punjab Act No. 46 of 1957, section 2. 232 THE PUNJAB SECURITY OF LAND TENURES ACT, 1953 (Act section 5-B or the area which is dccrued Io be surplus area under sub- section (1) of section 5-C] ILand includes the area in excess of the permissible area selected under section 19-BI ; but it will not include a tenant's permissi. ble area : Prmided that it will include the reserved area, or part thereof, where such area or part has not been brought undet self-cultivation within six months of reserving the same or getting possession thereof after ejecting a tenant from it, whichever is later, or if the landowner admits a new tenant, within three years of the expiry of the said six months. (6) "Tenant" has the meaning assigned to it in the Punjab Tenancy Act, 1887 (Act XVI of 1887), and includes a sub-tenant and self-cultivating lessee, but shall not include a present holder, as defined in section 2 of the Resettlement Act. (7) "Year" means an agricultural year, as defined in section 4, of the Punjab Tenancy Act, 1887 (Act XVI of 1887). (8) "Land" and all other terms used, but not defined in this Act, shall have the same meaning as are assigned to them in the Punjab Tenancy Act, 1887 (XVI of 1887), "Self-

cultivation" means cultivation by a land owner either personally or through his wife or children, or through such of his relations as may be prescribed, or under his supervision.] (10) "Prescribed" means prescribed by rules made under this Act. by Punjab Act No. 14 of 1962 and shall be deemed to have come into force on the 30th July, section 1(2) of Act Ibid. Clause (Sa) shall be deemed to have been inserted with effect from the 15th April, section 2Substituted by Punjab Act XI of 1955. PUNJAB SECURITY OF LAND of 1953 233 frNVRFS ACT, 1953 (11) "Displaced person" has (he moaning assigned to it in the East Punjab Displaced Persons (Land Settlement- Act, 1949 (Act -xxxv of 1949)

3. Any small landowner, who by virtue of an allotment and try licent made after the commencement of this Act under the Administration of Evacuee Property Act, 1950 (Act XXXI of 1950), comes to hold more than the permissible area of land, may select out of the entire area held by him as a landowner in the Union Territory of Chandigarh], a parcel or parcels of land not exceeding in aggregate the permissible area and reserve it by intimating his reservation in the prescribed form and manner, to the patwari of the estate in which the land reserved is situate, or to such other authority as may be prescribed, before the expiry of six months from the date of his obtaining possession of the land so allotted Provided that he shall include in his reservation, to the extent of the permissible area, whatever land he had under self-cultivation immediately before the commencement of this Act

4. Any landowner, who has made a lawful reservation of land under the 1950 Act, and whose allotment is modified due to or revised, after the commencement of this Act, under the allotment. Administration of Evacuee Property Act, 1950 (Act XXXI of 1950), shall be entitled to make a fresh reservation before the expiry of six months from the date of his obtaining possession of the land so allotted Provided that in making this fresh reservation he shall include to the extent of the permissible area firstly the land he has under self-cultivation and secondly such land out of his previous reservation, as has not passed out of his possession as a result of the said revision or modification of allotment. 5. (1) Any reservation before the commencement of this Act, shall cease to have effect and subject to the provisions of sections 3 and 4 any landowner who owns land in excess of the permissible area may reserve out of the entire land held by him in the [Union Territory of Chandigarh] as landowner, any parcel or parcels not exceeding the permissible area by intimating his selection in the prescribed form and manner to the patwari of the estate in which the land reserved is situate or to such other authority as may be prescribed as substituted for the words "State of Punjab" by Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent subjects) Order, 1965. 234 TRE PUNJAB SECURITY OF LAND TENURES ACT, 1953 Provided that in making this he (a) area held in a Co-operative Garden colony (b) area under self-cultivation at the commencement of this Act other than the reserved (c) reserved area excluding the area under a jhundi, (d) mar tenant or a tenant who has been in continuous occupation for 20 years or more immediately before such reservation, (e) area or share in a Co-operative Farming Society, (f) any other area owned by him, (g) area under a jhundimar tenant. (2) Where in respect of any land more than one person can be classed as landowners, as in the case of persons one of whom is a landowner in principal and the other in derivative capacity, the aforesaid right of reservation shall be exercised by the landowner who receives or is entitled to receive rent directly from the tenant in actual cultivation of the land. (3) A landowner shall be entitled to intimate a reservation within six months from the date of commencement of this Act, and no reservation so intimated shall be varied subsequently whether by act of parties or by operation of law, save with the consent in writing of the tenant affected by such variation or until such time as the right to such tenant otherwise accrues under the provision of this Act. 1(4) 1(5) 2[5-A. Every land owner or tenant, who owns or holds supported by land in excess of the permissible area and where land is furnished by situated in more than one Patwar Circle, shall furnish' within a period of six months from the commencement certain land owners and tenants. (4) and (5) omitted by Punjab Act LVII of 1953. 5.A, and 5-C inserted by Punjab Act No. 46 of 1957, PUNJAB SECURITY OF LAND 235 TFRNVRFS ACT, 1953 of the Punjab Security of Land Tenures (Amendment) Act, 1957, a declaration supported by an affidavit in respect of the lands owned or held by him in such form and manner and to such authority as be prescribed. 5-B. (1) A landowner who has not exercised his selection or per right of reservation under this Act, may select his permissible area and intimate (he selection to the prescribed and consequent authority within the period specified in section 5-A and to enge or failure in such form and manner as may be prescribed Provided that a landowner who is required to furnish a declaration under section 5-A shall intimate his selection along with that declaration. (2) If a landowner fails to select his permissible area in

accordance with the provisions of sub-section (1), the prescribed authority may, subject to the provisions of section 5-0, select the parcel or parcels of land which such person is entitled to retain under the provisions of this Act : Provided that the prescribed authority shall not make the selection without giving the landowner concerned an opportunity of being heard. 5-C. (1) If a landowner or tenant fails to furnish the declaration supported by an affidavit as required by section 5-A, the prescribed authority may, by order, direct that the whole or part of the land of such land owner or tenant in excess of ten standard acres to be specified by such authority shall be deemed to be the surplus area of such landowner or tenant and shall be utilised by the Government for the purpose mentioned in section 10-A. Section 11 of Punjab Act No. 14 of 1962. reads as follows ;— ' Notwithstanding anything contained in this Act or the rules made thereunder or in any other law for the time being in force or in any judgment, decree or order of any court or other authority ,---

(a) where the surplus area in respect of the land owned by a Hindu undivided family referred to in clause (a) of section 19-E of the principal Act, has been determined under that Act at any time before the commencement of this Act by any authority competent to determine such area, whether by ignoring the partition of any such land made after the commencement of the principal Act or otherwise, such determination shall be valid and shall be deemed always to have been valid and shall not be questioned on the ground that the descendants of him the Hindu undivided family were landowners in their own right in respect of their shares in such land or on the ground that the partition had been ignored ; (b) where an order under sub-section (2) of section 5-1 or sub-section (1) of section 5-C. in respect of the surplus area of any person, has been passed by a Revenue Officer exercising the powers of a Collector purporting to act as the prescribed authority, such order shall be valid and shall be deemed always to have been valid and shall not be questioned on the ground that it was not passed by the prescribed authority. ' i *Substituted for the words "State Government" by the Punjab Reorganisation Act, 1956. (Adaptation of Laws on State and Concurrent Subjects) Order, 1968. 236 THE PUNJAB SECURITY OF LAND TENURES ACT, 1953 [Act X] Provided that no such order shall be made without giving the landowner or tenant concerned an opportunity of being heard. (2) Where a landowner or tenant who is required to furnish a declaration under section 5-A fails so to do, the prescribed authority may in respect of him obtain the Information required to be shown in the declaration through such agency as it may deem fit. 116. No transfer of land, except a bona fide sale or Certain previous transfers of land not to affect mortgage with possession or a transfer resulting from rights of inheritance, made after the 15th August, 1947 and before Continuity tenancies. the 2nd February, 1955, shall affect the rights of the tenant on such land under this Act.] 27. * of 318. The continuity of a tenancy shall not be affected (a) the death of the landlord, or (b) the death of the tenant except when the tenant leaves no male lineal descendants or mother or widow, and (c) any change therein under the same landowner; and for the purposes of section 17 and 18 of this Act, such tenancy shall be the last area so held]. Liability of tenant 9. Notwithstanding anything contained in or to be enacted. any other law for the time being in force, no landowner shall be competent to eject a tenant except when such tenant— (i) is a tenant on the area reserved under this Act or is a tenant of a small landowner ; 5[or] 5Substituted by Punjab Act No. 14 of 1962, section 3. 2Section 7 omitted by Punjab Act XI of 1955. 8Section 8 substituted by ibid. 'Substituted for sub-sections (1) and (2) of section 9 by ibid and existing sub- section (3) renumbered as sub-section (2). 'Added by Punjab Act No. 32 of 1959, section 2. THE PUNJAB SECURITY OF LAND TENURES ACT, 1953 (ii) fails to pay rent regularly without sufficient cause (iii) is in arrears of rent at the commencement of this Act ; (iv) has failed, or fails, without sufficient cause, to cultivate the land comprised in his tenancy in the manner or to the extent customary in the locality in which the land is situated [or] (v) has used, or uses the land comprised in his tenancy in a manner which has rendered, or renders it unfit for the purpose for which he [or] holds it (vi) has sub-let the tenancy or a part thereof ; provided that where only a part of the tenancy has been sub-let, the tenant shall be liable to be ejected only from such part , 1 (vii) refuses to execute a Qabuliyat or a Patta, in the form prescribed, in respect of his tenancy on being called upon to do so by an Assistant Collector on an application made to him for this purpose by the landowner. Explanation.—For the purposes of clause (iii), a tenant shall be deemed to be in arrears of rent at the commencement of this Act, only if the payment of arrears is not made by the tenant within a period of two months from the date of notice of the execution of decree or order, directing him to pay such arrears of rent). (2) Notwithstanding anything contained hereinbefore a tenant shall also be liable to be ejected from

any area which he holds in any capacity whatever in excess of the permissible area. Provided that the portion of the tenancy from which such tenant can be ejected shall be determined at his option only if the area of his tenancy under the land-owner concerned is in excess of the area from which he can be ejected by the said landowner. 238 THE PUNJAB SECURITY OF LAND TENURES ACT, 1953 If (i) an tenant holds land of several landowners and more than one landowner seeks his ejectment, the right to ejectment shall be exercised in the order in which the applications have been made or suits have been filed by the landowners concerned and in case of simultaneous applications or suits the priority for ejectment shall commence serially from the smallest landowner. Explanation.—Where a tenant holds land jointly with other tenants, his share in the joint tenancy shall be taken into account in computing the area held by him. 19-A. No tenant liable to ejectment under clause (i) of sub-section (1) of the section next preceding shall be dispossessed of his tenancy unless he is accommodated on a surplus area in accordance with the provisions of section 10-A or otherwise on some other land by the [Central Government] Provided that if the tenant concerned is the tenant of a small land-owner, he shall be allowed to retain possession of his tenancy to the extent of five standard acres, including any other land which he may hold as tenant or owner, until he is so accommodated on a surplus area or otherwise. Provided further, that if a tenancy commences after the commencement of this Act, and the tenant is also an owner and is related to his landlord in the manner prescribed, he shall not be entitled to the benefit of this section.] 10, (1) Where a tenant has been ejected from any of the land in excess of the permissible area on grounds other than those mentioned in section 9, before the commencement of this Act, and after the 15th August, 1947, and shall such land is under self-cultivation, such tenant shall be entitled to be restored to his tenancy in the manner prescribed on the same terms and conditions on which it was held by him at the time of his ejection, on an application made to the Assistant Collector under section 9-A added by Punjab Act XI of 1955. *Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) order, 1968. 'Substituted by Punjab Act XVII of 1953. THE PUNJAB SECURITY OF LAND TENURES ACT, 1953 Assistant Collector (or of the first grade having jurisdiction, within one year from the date of intimation of reservation after the commencement of this Act, or, if no such reservation is made within the period specified in sub-section (3) of section 5, two years from the date of commencement of this Act) Provided that if more than one tenant have been ejected from the same tenancy, the right of application for restoration shall be exercisable in serial order of priority commencing from the tenant first ejected and to the extent in each case of the permissible area, after taking into account any other tenancy or land which the ejected tenant holds at the time of his application for restoration]. (2) On receipt of an application the Assistant Collector shall, after giving to the parties notice in writing and a reasonable opportunity to be heard, determine the dispute summarily, and shall keep a memorandum of evidence and a gist of his final order with brief reasons therefor. (3) When an application has been made, any proceedings in relation to the same matter pending in any other court or before any other authority shall be stayed on receipt of information by that court or authority from such Assistant Collector of the fact of having received the application, and all such proceedings in a court or before any authority shall lapse when the dispute has been determined by the Assistant Collector acting under this Act. (4) A landowner or any other person in actual possession of land at the time of restoration shall be entitled to such compensation as may be determined by the Assistant Collector, from the tenant intended to be restored, for any loss suffered in consideration of anything done prior to the date of his first receiving information of the application. Provided that no ejected tenant shall be restored to his tenancy as provided hereinbefore unless he has paid compensation as determined by the Assistant Collector to the landowner or other person, if any, as the case may be. 240 THE PUNJAB SECURITY OF LAND TENURES ACT, 1953 10-A. (a) The Government (or any officer empowered by it in this behalf, shall be competent to utilize any surplus area for the resettlement of tenant ejected, or to be ejected, under clause (i) of sub-section (1) of section 9. (h) Notwithstanding anything contained in any other law for the time being in force and save in the case of land acquired by the [Central Government] under any law for the time being in force or by an heir by inheritance no transfer or other disposition of land which is comprised in surplus area at the commencement of this Act, shall affect the utilization thereof in clause (a). Explanation.—Such utilization of any surplus area will not affect the right of the landowner to receive rent from the tenant so settled.] For the purposes of determining the surplus area of any person under this section, any judgment, decree or

order of a court or other authority, obtained after the commencement of this Act and having the effect of diminishing the area of such person which could have been declared as his surplus area shall be ignored).

bc IO-B. Where succession has opened after the Saving by inherit- after utilisation surplus area or any part thereof has been utilised under of surplus area. clause (a) of section IO-A, the saving specified in favour of an heir by inheritance under clause (b) of that section shall not apply in respect of the area so utilised.

JNew section IO-A added by Punjab Act XI of 1955 and shall alytays bc vide section IO of Punjab to have been insertcd with effect from the 15th April, 1953, Act No. 14 of 1962. *Substituted for the wordb ' 'State Government" by the Punjab Reorganisa1i00 (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) (Order, 1963' 'Inserted by Ponjab Act No. 4 of 1959, section 2. 'Clause (c) added with effect from the 15th April, 1953 by Punjab Act of 1962, section 1(2) and IO. 'New section IO-B inserted with effect from the 15th Apt il, 1958 by Punjab Act No. 14 of 1962, sections 5 and 1(2). of 1953) TIJE PUNJAB SECURITY OF LAND TENURES ACT, 1953 241 11. Save in proportion (o a reduction in the tenancy, Tenants's right to if any, a landowner shall not be competent to curtail water. or terniinate (he supply or canal or use of well wafer enjoyed by a tenant inunediafely before the commence- ment of this Act, and a breach ot this provision shall constitute cognizable offence punishable with imprison- ment which Inay extend to six months and shall be triable by a court not below the rank ofa Second Class Magistrate. 12. (1) Notwithstanding anything contained in the Amount of Punjab Tenancy Act, 1887 Act (XVI of 1887), orin any mum rent. agreement or usage or any decree or order of a court, the maximum rent payable by a tenant for any land held by him as such shall not exceed one-third of the crop of such land or the value thereof as determined in the pres- cribed manner, and where the customary rent is less than one-third the maximum rent shall be such customary rent. (2) In computing (he maximum rent payable by a tenant, such portion of (he rent, if any, as represents the consideration for services or facilities provided by the landowner in relation to (he land shall not be taken into account. of Assessment 13. Unless the charges payable for services or facilities provided by (he landowner in relation to the or facilities pro. vided by the land- land have been specifically provided for in an agreement owner. between the parties, such charges shall be determined by (he Assistant Collector, First Grade, having jurisdiction, who shall give due regard (o the usage of the locality and if there is no such usage, he shall give regard, amongst other matters, to— (a) (he direct advantage gained by (he land by the provision of such services or facilities , (b) the condition or nature of the services or facilities and the probable duration of their effects , (c) (he labour or capital required for the provision of such services or facilities. 242 THE PUNJAB SECURITY OF LAND TENURES ACT, 1953 14. (1) Every landowner shall give or cause to be Duty of landowner to furnish receipt fore rent received given a valid receipt to the (enant in the form prescribed (2) Any landowner who fails to give or cause to be given such receipt shall on conviction be punishable with fine which may extend to one hundred rupees. Procedure for I(14-A. Notwithstanding anything to the contrary ejectment and contarned in any other law for the time being in force recovery of are rears of rent, etc. and subject to the provisions of section 9-A,— etc. (i) a landowner desiring to eject a tenant under this Act shall apply in writing to the Assistant Collector, First Grade, having jurisdiction, who shall thereafter proceed as provided for in sub-section (2) of section 10 of this Act, and the provisions of sub-section (3) of the said section shall also apply in relation to such application, provided (hat the tenants' rights to compensation, and acquisition of occupancy rights, if any, under the Punjab Tenancy Act, 1887 (XVI of 1887), shall not be affected (ii) a landowner desiring to recover arrears of rent from a tenant shall apply in writing to the Assistant Collector, Second Grade, having jurisdiction, who shall thereupon send a notice, in the form prescribed, to the tenant either to deposit the rent or value thereof, if payable in kind or give proof of having paid It or of (he fact that he is not liable to pay the whole or part of (he rent or of the fact of the landlord's refusal to receive the same or to give a receipt, within the period specified in deter- the notice. Where, after summary mination, as provided for in sub-section (2) of section 10 of this Act, the Assistant lector finds that the tenant has not paid or deposited the rent, he shall eject the tenant summarily and put the landowner in posa session of (he land concerned INew section 14-A, added by Punjab Act XI of 1955. TRE PUNJAI) SECURITY or LAND of 1953) 243 TENURES ACT, 1953 (iii) (a) if a landlord recuses to accept rent from his tenant or dernands rent in exccss of what he is entitled to under this Act, or refuseq to give a receipt, the tenant may in writing in- forn the Assistant Collector, Second Grade, having jurisdiction or the fact (h) on receiving such application the Assistant Collector shall by a written notice require the landlord to accept the rent payable in accordance with this Act, or to give a receipt, as the case

may be, or both, within 60 days of the receipt of the notice.] 2116. Save in the case of land acquired by the 31 Central saving of tenancies from effect of Government] under any law for the time being in force, or malafide transfer by an heir by inheritance, no transfer or other disposition of land effected after the 1st February, 1955, shall affect the rights of the tenant thereon under this Act.] 17. Notwithstanding anything to the contrary contained in any law, usage or contract, and subject to the sale, etc., of land, provisions of section 18, tenant of a landowner other than a small landowner,— (i) who has been in continuous occupation of the land comprised in his tenancy for a period exceeding four years on the date of the sale of the land or foreclosure of the right to redeem the land, or (ii) in case of a sale or foreclosure (that has taken place or shall take place within a period of three years from the commencement of this Act and there is no tenant who has acquired a right under clause (i) (a) who was ejected from tenancy after the 14th day of August, 1947, and before the commencement of this Act on grounds other than by Punjab Act NO. 32 of 1959, section 3. Substituted by Punjab Act XI of 1955. bSubstituted for the words "State Government:" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) October, 1968. 244 THE PUNJAB SECURITY OF LAND [Act-X TENURES ACT, 1953 than those mentioned in section 9, and was in continuous occupation of the land comprised in his tenancy for a period exceeding four years on the date of his ejection, or (b) who has been restored to his tenancy under the provisions of this Act and whose period of continuous occupation of the land comprised in his tenancy immediately before ejection and immediately after restoration of his tenancy (where he exceeded four years, Punjab shall, in preference to the rights of other pre-emptors as provided in the Punjab Pre-emption Act, 1913 (Act J of 1913), except the descendants of vendor's grand-father, be entitled to pre-empt the sale or foreclosure of the land other than the land comprised in the reserved area of the landowner in the manner prescribed in that Act within one year from the date of the sale or foreclosure, as the case may be : Provided that no tenant referred to in this sub-section shall be entitled to exercise any such right in respect of the land or any portion thereof, if he had sublet the land or the portion, as the case may be, to any other person unless during that period the tenant was suffering from a legal disability or physical infirmity, or, if a woman, was a widow or was unmarried. 17-A. (1) Notwithstanding anything to the contrary Certain sales of tenancy not hereby contained in this Act or the Punjab Pre-emption Act, 1913, a sale of land comprising the tenancy of a tenant made to him by the landowner shall not be pre-emptible under the Punjab Pre-emption Act, 1913, and no decree of pre-emption passed after the commencement of this Act in respect of any such sale of land shall be executed by any court Provided that for the purposes of this sub-section the expression tenant includes a joint tenant (whether whole or in part) New sections 17, 4 and 17B, inserted by Punjab Act No. 4 of 1959, section 3, PUNJAB SECURITY OF LAND of 1953 TENURES ACT, 1953 art the land comprising the joint tenancy is sold by landowner. (2) Where, after the commencement of this Act, a tenant, to whom the land comprising his tenancy is sold by the landowner, has been dispossessed of such land by a pre-emptor in execution of a decree for pre-emption or otherwise the tenant so dispossessed shall in the prescribed manner have the option either to purchase the land from the pre-emptor on payment of the price paid to the tenant by the pre-emptor or to be restored to his tenancy under the pre-emptor on the same terms and conditions on which it was held by him immediately before the sale, on an application made by him to an Assistant Collector of the first grade having jurisdiction within a period of one year from the commencement of the Punjab Security of Land Tenures (Amendment) Ordinance, 1958. (3) An application received under sub-section (2) shall be disposed of by the Assistant Collector of the first grade in the manner laid down in sub-section (2) of section 10. 17-B. (1) Where, after the commencement of this certain mortgagee's Act, land comprising the tenancy of a tenant is mortgaged to be deemed as to him with possession by the landowner and such land is subsequently redeemed by the landowner, the tenant shall, notwithstanding such redemption or any other law for the time being in force, be deemed to be the tenant of the landowner in respect of such land on the same terms and conditions on which it was held by him immediately before the execution of the mortgage as if the mortgage had never been executed. (2) Where a tenant referred to in sub-section (1) has been dispossessed by the landowner in execution of a decree or order of redemption, he shall be entitled to be restored to his tenancy in the prescribed manner on the same terms and conditions on which it was held by him immediately before the execution of the mortgage on an application made by him to an Assistant Collector of the first grade having jurisdiction within a period of one year from the commencement of the Punjab Security of Land Tenures (Amendment) Ordinance, 1958. 246 THE PUNJAB SECURITY OF LAND Act X (3) An application

received under sub-section (2) shall be disposed of by the Assistant Collector of the first grade in the manner laid down in sub-section (2) of section IO.] IS. (1) Notwithstanding anything to the contrary Rights of certain contained in any law, usage or contract, a tenant of a tenants to purchase land. landowner other than Sinall landowner— (i) who has been in continuous occupation of the land comprised in his tenancy for minimum period of six years], or (ii) who has been restored to his tenancy under the provisions of this Act and whose periods of continuous occupation of the land comprised in his tenancy immediately before ejectment and immediately after restoration of his tenancy together 2[amounts to six years or more], or (iii) who was ejected from his tenancy after the 14th day of August, 1947, and before the commencement of (his Act, and who was in continuous occupation of the land comprised in his tenancy for a period 3[of six years or more immediately before his ejectment], shall be enfi(led to purchase from the landowner the land so held by him but not included in (he reserved area of the landowner, in the case of a tenant falling within clause (i) or clause (ii) at any time, and in the case of a tenant falling within clause (iii) within a period of one year from the date of commencement of this Act Provided that no tenant referred to in this sub-section shall be entitled to exercise any such right in respect of the land or any portion (hereof if he had sublet the land or the portion, as the case may be, to any other person during any period of his continuous occupation, unless during that period the tenant was suffering from a legal disability or physical infirmity, or, if a woman, was a widow or was unmarried Provided further that if the land intended to be pure chaSed is held by another tenant who is entitled to pre-empt the sale under the next preceding section, and who is not accepted by the purchasing tenant, the tenant in actual occupation shall have the right to pre-empt the sale. 1Substituted by Punjab Act XI of 1955, for the words "a period of twelve years" 2Substituted by Punjab Act XI of 1955, for the words "exceed twelve 'Substituted by ibid , for ' 'exceeding twelve years, on the date of his ejectment' ' of 19531 TIJE PUNJAB \$1!CtJRry OF LAND 247 TENURI•S ACT, 1953 (2) A tenant desirous of purchasing Jand under sub- section (1) shall make an application in writing to an Assis- tant Collector of First Grade having jurisdiction over the Jand * I and the Assistant Collector, after giving notice to the landowner and to all other persons interested in the land and after _making such inquiry as he thinks fit, shall 2[determine] the value of the land which shall be the average of the prices obtaining for similar land in the locality during IO years immediately preceding the date on which the application is made. The purchase price shall be three-fourths of the value of land as so determined. (4) (a) The tenant shall be competent to pay the purchase price either in a lump sum or in six monthly instalments not exceeding ten in the manner prescribed. (b) On the purchase price or the first instalment thereof, as the case may be, being deposited, (he tenant shall be deemed to have become the owner of the land, and the Assistant Collector shall, where the tenant is not already in possession, and subject to the provisions of the Punjab Tenancy Act (XVI of 1887) put him in possession thereof. (c) If a default is committed in the payment of any of the instalments, the entire outstanding balance shall on application by the person entitled to receive it, be recoverable as arrears of land revenue]. (5) If the land is subject to a mortgage at the time of the purchase, the land shall pass to the tenant unencum- bered by the mortgage, but the mortgage debt shall be a charge on the purchase money. (6) If there is no such charge as aforesaid the Assis- tant Collector shall, subject to any directions which he may receive from any court, pay the purchase money to the landowner. (7) If there is such a charge, the Assistant Collector shall, subject as aforesaid, apply in the discharge of the mortgage debt so much of the purchase money as is required for that purpose and pay the balance, if any, to the landowner, or retain the purchase money pending the decision of a civil Court as to the person or persons entitled thereto. iThe words "for determining the value of such land", omitted by Punjab Substituted for the word "fix" by Punjab Act XL of 1955. X1 of 1955. a Sub-section (3) and (4) substituted by Ibid, Till} PUNJAB SECURITY 01,' LANI) TENURES ACT, 1953 24S 19. Nothing contained in section 17 or section 18 shall effect any land which is evacucc properly, as defined Sections and not •to to in the Administration or Evacucc Property Act, 1950 *1 or any other land which of 1950) may at any tinw be acquired by the Central Government for resettlement of displaced persons. 2[19-A. (1) Notwithstanding anything to the con. Bat of future acquir- trary in any law, custom, usage, contract or agreement, arca. from and after the commencement of the Punjab Security of Land Tenures (Amendment) Ordinance, 1958, no person, as land-owner or tenant, shall acquire or possess by transfer, exchange, lease, agreement or settle. ment any land, which with or without the land al eady owned or held by him, shall in the aggregate exceed the permissible area : Provided that nothing in this section shall apply to lands belonging to registered co-operative societies formed for

purposes or co-operative farming if the land owned by an individual member of the society does not exceed the permissible area. (2) Any transfer, exchange, lease, agreement or settlement made in contravention of the provisions of sub-section (1) shall be null and void. 19-B. (1) O L Subject to the provisions of section IO-A, Future acquisition of land by inheri- • If after the commencement of this Act, any person, permissible area. whether as land-owner or tenant, acquires by inheritance by bequest or gift from a person to whom he is an heir any land, or if after the commencement of this Act and before the 30th July, 1958, any person has acquired by transfer' exchange, lease, agreement or settlement any land, or if after such commencement, any person acquires in any other manner any land,] which, With or without the lands iThe words "at the commencement of this Act" omitted by Punjab Act NO• 32 of 1959, section 4. ZNew sections 19A, 19B, 19C and 19I), inserted by Punjab Act No. 4 of 1959' section 4. ZSubstituted for the words "if, after the commencement of this Act, any person ' whether as landowner or tenant, acquires by inheritance or bequest or gift from a person to whom he is an heir any land or if after the commencement of this Act and before the 30th July, 1958, any person has acquired by transfer, exchange' lease, agreement or settlement any land" by Punjab Act No. 14 of 1962, section 6 with effect from the 30th July, section I (2). of 1953J THE PUNJAB SECURITY OF LAND 249 TENURES ACT, 1953 already owned or held by him, exceed in (he aggregate the permissible area, (then he shall, within (he period prescribed, furnish (o the Collec(or, a return in (he prescribed form and manner giving (he particulars or all lands and selecting (he land not exceeding in (he aggregate the permissible area which he desires (o retain, and if the land of such person is situated in more (han one patwar circle, he shall also furnish a declaration required by section 5-A. (2) If he fails to furnish (he return and select his land within (he prescribed period, (hen (he Collector may in respect of him obtain (he information required to be shown in (he re(urn through such agency as he may deem fit l[and select (he land for him in the manner specified in sub-section (2) of section 5-B]. (3) If such person fails to furnish the declaration, the provisions of section 5-C shall apply. (4) The excess land of such person shall be at (he dis- posaJ of (he l[Central Governmen(] for utilisation as surplus area under clause (a) of sec(ion10-A or for such other purpose as the 2[Central Government] may by notification direct. 19-C. (1) The Collector may from time (o time by Poyer to cause do. order in writing direct the land-owner or (he (enant to session 0fsurplUS deliver possession of the land in his surplus area to the area. person resettled on such land by the 2[Central Government] or any officer empowered by it within (en days of the service of the order on him. (2) Jf (he land-owner or (he (enant refuses or fails without reasonable cause (o comply with an order made under sub-sec(ion (1) (he Collector may cause (he posses- Sion of (he land in (he surplus area to be delivered to the person on it and may for (hat purpose use such force as may be necessary. Exemption of 19-D. The provisions of (his Act shall not apply to certain lands. lands granted to any members of (he Armed Forces of the U n ion for iAdded by Punjab Act No. 14 of 1962, with effect from the 30th July, 1958, 2Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on state and Concurrent Subjects) order, 1968. 250 THE PUNJAB SECUIJUTY OF LAND (Act X and cqrred 1[19-E. Notwithstanding anything contained in (his Hindu undiüeed to Act or in other law for the time being in force,— decmd land of onc land-enact. 2(a) where, imrmedia(cly before the commencement of this Act, a land-owner and his descendants constitute a Hindu undivided family, the land owned by such family shall, for the purposes of this Act, be deemed to be the land of that land-owner and no descendant shall, as member of such family, be entitled to claim that in respect of his share of such land he is a land owner in his own right ; and (b) a partition of land owned by a Hindu un- divided family referred to in clause (a) shall be deemed to be a disposition of land for the purposes of section IO-A and 16. this section, the expression "descen- dant" includes an adopted son. Removal of 19-F. For the removal of doubts it is hereby de- clared,— (a) that the ZLCentral Government] or any officer empowered in this behalf shall be competent •Inserted by Punjab Act No. 14 of 1962, with effect from the 15th April, 1953, vide sections 7 and J (2). 2Section 11 of Punjab Act No. 14 of 1962, reads as follows : 11. Notwithstanding anything contained in this Act or the rules made thereunder or in any other law for the time being in force or in any judgement, de- crec or order of any court or other authority,— (a) where the surplus area in respect of the land owned by a Hindu undivided famiJy referred to in clause (a; of section 19.E of the principal Act, has been determined t;nder that Act at any time before the commencement of this Act by any authority competent to determine such area, whether by ignoring the partition of any such 'and made after the commencement Of the principal Act or otherwise, such detennination shall be valid and shall be deemed

always to have been valid and shall not be questioned on the ground that the descendants of the land-owner constituting him the Hindu undivided family were land* owners in their own right in respect of their shares in such land or on the ground that the partition had been ignored (b) where an order under sub-section (2) of section 5-B or sub-section (I) of section SC, in respect of the surplus area of any person, has been passed by a Revenue Officer exercising the powers of such Collector purporting to act as the prescribed authority, such order shall be valid and shall be deemed always to have been valid and shall not be questioned on the ground that it was not passed by the prescribed authority. Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968' of 1953 THE PUNJAB SECURITY OF LAND ACTS 1953 and shall be deemed always to have been competent, to determine in the prescribed manner the surplus area referred to in section 10-A of a land-owner out of the lands owned by such land-owner immediately before the commencement of this Act; and (b) that for evaluating the land of any person at any time under this Act, the land owned by him immediately before the commencement of this Act, or the land acquired by him after such commencement by inheritance or by bequest or gift from a person to whom he is an heir, shall always be evaluated for converting into standard acres as if the evaluation was being made on the date of such commencement, and that the land acquired by him after such commencement in any other manner shall always be evaluated for converting into standard acres as if the evaluation was being made on the date of such acquisition]

20. Nothing contained in this Act shall entitle a Restrictions on tenants. tenant to purchase land in excess of the permissible area, including the land which he may already own. 21. 1 [(I)J Nothing contained in this Act shall affect Saving Of tenants any land held by a tenant or lessee under Government, or Government. local bodies in the State, or any unallotted evacuee land. The provisions of section 9, 9-A and 18 shall not apply to lands leased out by the Punjab State Co-operative Land Mortgage Bank Limited established under the Punjab Co-operative Land Mortgage Banks Act, 1957. 2[21-A. (1) The 3[Central Government] may, for the purpose of preventing or removing any hardship or modification of difficulty, by a special or general order, to be notified in provisions in the official Gazette, direct that any of the provisions of Section 21 renumbered as sub-section (1) of that section and after sub-section (1) so renumbered a new sub-section (2) added by Punjab Act No. 14 of 1962, section 8. 2New section 21-A, added by Punjab Act XJ of 1955. ZSubstituted for the words 'State Government' by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968. 252 THE PUNJAB SECURITY OF LAND ACT X TENURES ACT, 1953 this Act shall apply to any class of tenants or owners with such modifications as may be specified in that order (2) Any order made under sub-section (1) shall be laid before both the Houses of the Legislature during the session next following after the making of such order, and unless the said order is approved by both the Houses of the Legislature, with or without modification, it shall cease to have effect. 1 122. Any dispute relating to rent payable by a tenant, or any objection relating to the permissible area, ejection. not otherwise expressly provided for in this Act, shall be determined in a summary manner as provided for in section 14-A; provided that the order of the Commissioner in appeal or revision in the ordinary course, shall be final.] 23. No decree or order of any court or authority and no notice of ejection shall be valid save to the extent to which it is consistent with the provisions of this Act. to Power separate share of land-owners in joint lands

24. The provision in regard to appeal, review and revision under this Act shall, so far as may be, be the same as provided in sections 80, 81, 82, 83 and 84 of the Punjab Tenancy Act, 1887 (Act XVI of 1887). 2[24-A. (1) Where a land-owner owns land jointly with other land-owners and his share of such land or part thereof, as ascertained from the record of rights, has been or is to be declared as surplus area, the officer competent to declare such area, or, where such area has been declared, the officer competent to utilise it, may on his own motion' after summary enquiry and affording to the persons interested in such land an opportunity or being heard, separate his share of such land or part thereof in the land owned by him jointly with other land-owners. (2) Where, after the declaration of the surplus area of any person and before the utilisation thereof, his land has been subjected to the process of consolidation' the officers referred to in sub-section (1) shall be competent to separate the surplus area of such person out of the area of land obtained by him after consolidation.] 1Substituted by Punjab Act XI of 1955. ZNew Section 24-A inserted by Punjab Act No. 14 of 1962, section 9. of 1953) THE PUNJAB SECURITY OF LAND ACTS 1953

TENURES ACT, 1953 25. Except in accordance with the provisions of this Act the validity of any proceedings or order (a ken or made under this Act shall no(be called in quesfion in any court or before any other authority

26. No suit or other legal proceedings shall lie against any authority in respect of anything done in good faith in pursuance of the provisions of (his Act

27. The 1[Central Government] may by notification in the omcial Gazette make rules for carrying out the pur- poses of this Act

28. The Punjab Tenants (Security of Tenure) Act, 1950 (Act XII of 1950), and the Punjab Tenants (Security of Tenure) Amendment Act, 1951 (President's Act V of 1951), are hereby repealed but, notwithstanding such repeal and notwithstanding the expiry of the Prevention of Ejectment (Temporary Powers) Ordinance, 1952, anything done or any action taken in the exercise of any power conferred by or under the said Acts or the said Ordinance to the extent of its being consistent with the provisions of this Act, shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act, as if this Act was in force on the day on which such thing was done or action taken.1Substituted for the words 6 'State Government" by the Punjab Re-organisa- tion (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Orders 1968. Exclusion of courtq and authorities. Indemnity. Power to make rules. and Repeal savings.

